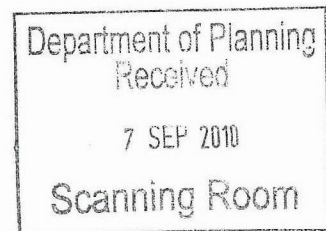




RailCorp Property
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6 September 2010

Mr Michael Woodland
Director Urban Assessments
Department of Planning
GPO Box 39
Sydney NSW 2001



Dear Mr Woodland

**MAJOR PROJECT APPLICATION
88 CHRISTIE STREET ST LEONARDS (MP 09_0210)**

I refer to your letter of 1 August 2010 advising the public exhibition of the project application and environmental assessment prepared by JBA regarding the proposed project by Winten Property Group of a 16 storey commercial building with a 7 level basement at the above address.

The site adjoins the future rail corridor identified in the CBD Rail Link (CBDRL) Pre-Feasibility Study completed for the Government by Transport Infrastructure Development Corporation (TIDC) in 2006.

The Director General's Requirements issued under Part 3A of the *Environmental Planning and Assessment Act* included the following requirement in respect of the CBDRL:

CBD Rail Link Plan

The EA shall address any potential impacts on the future CBD Rail Link corridor, and address issues contained in "Development Near Rail Corridor and Busy Road – Interim Guidelines" as set out in the attachment to the RailCorp letter dated 1 March 2010.

RailCorp and its technical advisor have had consultations with Winten Property Group's technical advisors about the potential interaction between the proposed project and the CBDRL. RailCorp has provided to the applicant technical information about the CBDRL corridor in the vicinity of the site.

While, at present, State Environmental Planning Policy (Infrastructure) 2007 is not applicable to this part of the CBDRL, RailCorp is nevertheless concerned, in the public interest, about the potential impacts of the project on the development of the future rail corridor, in particular the matters listed in clause 88(5) of the SEPP, namely:

- the practicability and cost of carrying out rail expansion projects in the future;
- the structural integrity or safety of, or ability to operate, such a project; and

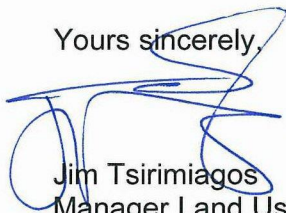
- the land acquisition costs and the costs of construction, operation or maintenance of such a project.

RailCorp has reviewed the environmental assessment and taken the above matters into consideration. There are concerns about the potential impacts of the proposed project on the future construction, operation and maintenance of the CBDRL, as the proposed project adjoins the CBDRL tunnel.

The placing of any foundations, other structures and building loads in or near the proposed rail alignment would affect the practicability of the CBDRL, its construction cost and the capacity to design it to meet railway operational needs. Accordingly, RailCorp requests that any approval given by the Minister for Planning include conditions to protect the CBDRL corridor in the terms set out in the Attachment.

Thank you for providing RailCorp the opportunity to comment and please contact Melissa Jovic on 8922 1943 if you require further information.

Yours sincerely,



Jim Tsirimiagos
Manager Land Use and Planning
RailCorp Property

CBD Rail Link

1. Prior to the commencement of any excavation below existing ground level, the owners of the site of the approved project must enter into an agreement with RailCorp to address the potential impacts of the approved project on the CBD Rail Link. The agreement must provide for the following:
 - (i) the design, construction and maintenance of the approved project so as to satisfy the requirements in conditions 2 to 6 below;
 - (ii) provision to RailCorp of drawings, reports and other information related to the design, construction and maintenance of the approved project;
 - (iii) creation of a restrictive covenant on upon each of the titles which comprise the approved project so as to satisfy condition 8 below;
 - (iv) such other matters which RailCorp considers are appropriate to give effect to (i) and (iii) above; and
 - (v) such other matters as the applicant and RailCorp may agree.
2. All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved project which have a potential impact on the CBD Rail Link must be designed, constructed and maintained so as to:
 - (i) ensure that they not inhibit and prevent damage to, or other interference with the approved project which may occur in connection with the future design, construction and operation of the CBD Rail Link in any location, including the risk of any damage which may occur as a result of any rock stress re-distributions, associated load re-distributions, rock movements, other geological events and draw down of the water table;
 - (ii) allow for the future demolition of any part of the approved project without damaging or otherwise interfering with the CBD Rail Link and rail operations in any location. This does not apply where a part of the structure is to be retained because its demolition would damage or otherwise interfere with the CBD Rail Link and train operations, in which case, that part of the structure must have a minimum design life of 100 years;
 - (iii) ensure that liquids and gases cannot transfer into the CBD Rail Link;
 - (iv) avoid any damage or other interference which may occur as a result of stray electrical currents, electromagnetic effects and the like from railway operations; and

- (v) avoid any damage or other interference which may occur as a result of noise and vibration from railway operations.
- 3. The design and construction of the basement levels, foundations and ground anchors for the approved project are to be completed to the satisfaction of RailCorp.
- 4. No modifications may be made to that approved design that affects the basement levels, foundations and ground anchors without the consent of RailCorp.
- 5. RailCorp, and persons authorised by it for this purpose, are entitled to inspect the site of the approved project and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these approval conditions, on giving reasonable notice to the principal contractor for the approved project or the owner or occupier of the part of the site to which access is sought.
- 6. A detailed regime is to be prepared for consultation with, and approval by, RailCorp for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved project, which may include geotechnical and structural certification in the form required by RailCorp.
- 7. All requirements contained in the agreement between RailCorp and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved project.
- 8. Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved project pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved project which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed CBD Rail Link without the prior written consent of RailCorp.